

THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

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Applicant:	GOOGLE, INC.	Date of Notification: Date: <u>22</u> Month: <u>01</u> Year: <u>2010</u>
Attorney:	KANG JIANZHONG	
Application No.:	200580014800.8	
Title of the Invention:	DETERMINING AD TARGETING INFORMATION AND/OR AD CREATIVE INFORMATION USING PAST SEARCH QUERIES	

Notification of the First Office Action (PCT Application in the National Phase)

1. ☒ The SIPO conducts substantive examination on the application upon request of the applicant according to the provision of Article 35 paragraph 1 of the Patent Law.
☐ The SIPO has decided to examine the application on its own initiative under Article 35 paragraph 2 of the Patent Law.
2. ☒ The applicant claimed priority/priorities based on the application(s):
filed in US on Mar. 31, 2004, filed in _____ on _____,
filed in _____ on _____, filed in _____ on _____,
filed in _____ on _____, filed in _____ on _____.
3. ☐ The applicant submitted amendments to the application on _____ and on _____, wherein the amended _____ submitted on _____ and the amended _____ submitted on _____ are not acceptable, because said amendments do not comply with Rule 51 paragraph 1 of the Implementing Regulations of the Patent Law.
☐
4. ☒ Examination was directed to the Chinese translation of the International Application as originally filed.
☐ Examination was directed to the application documents as specified below:
☐ Description ☐ Pages _____ of the Chinese translation of the International Application as originally filed.
☐ Pages _____ of the Chinese translation of the amendments annexed to the IPEA Report.
☐ Pages _____ of the amendments made under Article 28 or Article 41 of PCT.
☐ Pages _____ of the amendments made under Rule 51 paragraph 1 of the Implementing Regulations of the Patent Law.
☐ Pages _____ of the amendments submitted on _____.
☐
- ☐ Claims ☐ The Chinese translation of claims _____ of the International Application as originally filed.
☐ The Chinese translation of claims _____ of the amendments made under Article 19 of PCT.
☐ The Chinese translation of claims _____ of the amendments annexed to the IPEA Report.
☐ The Chinese translation of claims _____ of the amendments made under Article 28 or Article 41 of PCT.
☐ The amendments of the claims _____ made under Rule 51 paragraph 1 of the Implementing Regulations of the Patent Law.
☐ The amendments of the claims _____ submitted on _____.
☐
- ☐ Drawings ☐ Pages _____ of the Chinese translation of the International Application as originally filed.
☐ Pages _____ of the Chinese translation of the amendments annexed to the IPEA Report.
☐ Pages _____ of the amendments made under Article 28 or Article 41 of PCT.
☐ Pages _____ of the amendments made under Rule 51 paragraph 1 of the Implementing Regulations of the Patent Law.
☐ Pages _____ of the amendments submitted on _____.
☐
- ☒ Below is/are the reference(s) cited in this Office Action (the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or filing date of the conflicting application)
1	CN1299488A	Jun. 13, 2001

5. Conclusions of the Action:

☐ On the Description:

- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
- ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
- ☐ The description does not comply with Article 33 of the Patent Law.
- ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.
- ☐

☒ On the Claims:

- ☒ Claim(s) **17-20, 58-61** does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
- ☒ Claim(s) **21-31, 62-72** does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
- ☒ Claim(s) **32-41** is/are not patentable under Article 25 of the Patent Law.
- ☐ Claim(s) does/do not comply with Article 26 paragraph 4 of the Patent Law.
- ☐ Claim(s) does/do not comply with Article 31 paragraph 1 of the Patent Law.
- ☐ Claim(s) does/do not comply with Article 33 of the Patent Law.
- ☒ Claim(s) **1-16, 42-57** does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
- ☐ Claim(s) does/do not comply with the provisions of Rule 13 paragraph 1 of the Implementing Regulations.
- ☐ Claim(s) does/do not comply with the provisions of Rule 20 of the Implementing Regulations.
- ☐ Claim(s) does/do not comply with the provisions of Rule 21 of the Implementing Regulations.
- ☐ Claim(s) does/do not comply with the provisions of Rule 22 of the Implementing Regulations.
- ☐ Claim(s) does/do not comply with the provisions of Rule 23 of the Implementing Regulations.
- ☐
- ☐ The divisional application does/do not comply with Rule 43 paragraph 1 of the Implementing Regulations.

Please refer to the text portion of the Office Action for details.

6. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☐ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☒ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
- ☐

7. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within **4** months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law and Rule 51 of the Implementing Regulations. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

8. This Notification contains a text portion of **4** pages and the following attachments:

- ☒ **1** cited reference(s), totaling **10** pages.
- ☐

Examination Dept. _____ Examiner: **Fan Yuxia** _____ Seal of the Examination Department

Text Portion of the Notification of the First Office Action

The present application relates to determining ad targeting information and/or ad creative information using past search queries. After examination, the examiner presents the following comments:

1. Claim 1 seeks to protect a method. The method uses the accepted document identifier to obtain at least one of (A) one or more terms and (B) one or more phrases, and provides the obtained at least one of (A) and (B) as ad information. However, it is common knowledge in the art to use a certain keyword or a search item (such as a document identifier) to obtain other data items associated with the keyword or the search item (such as terms or phrases) from a data base or a data list. Claim 1 merely applies the common knowledge to web search to obtain information and use the information as ad information of the ads. By this token, Claim 1 merely makes the following change relative to the prior art: Claim 1 applies the existing information searching technology to web search and uses the obtained data items as ad information of the ads. Although the solution uses common technology, it merely uses the information obtained through the common technology as ad information of the ads, i.e., finally obtains ad information, which does not obtain a technical effect, and solves a problem relating to business activities rather than a technical problem in the patent sense. Therefore, Claim 1 does not belong to technical solution as provided in Rule 2.1 of the IRCPL, and thus does not belong to subject matter sought to be protected by the patent law.

2. Claims 2-8 further define Claim 1. The contents defined by the claims merely prescribe the specific contents of the document, the document identifier, the data base (such as the association list) and the ad information. However, combining the artificially stipulated contents and the above common technology does not solve a new technical problem or obtain a new technical effect, i.e., the problem solved by the above claims and the effect being obtained are the same as those of Claim 1, which are non-technical. Therefore, Claims 2-8 do not belong to technical solutions as provided in Rule 2.1 of the IRCPL either, and thus do not belong to subject matter sought to be protected by the patent law.

3. Claim 9 seeks to protect a method. The method uses the accepted domain identifier to obtain at least one of (A) one or more terms and (B) one or more phrases, and provides the obtained at least one of (A) and (B) as ad information. However, it is common knowledge in the art to use a certain keyword or a search item (such as a domain identifier) to obtain other data items associated with the keyword or the search item (such as terms or phrases) from a data base or a data list. Claim 9 merely applies the common knowledge to web

search to obtain information and use the information as ad information of the ads. By this token, Claim 9 merely makes the following change relative to the prior art: Claim 9 applies the existing information searching technology to web search and uses the obtained data items as ad information of the ads. Although the solution uses common technology, it merely uses the information obtained through the common technology as ad information of the ads, i.e., finally obtains ad information, which does not obtain a technical effect, and solves a problem relating to business activities rather than a technical problem in the patent sense. Therefore, Claim 9 does not belong to technical solution as provided in Rule 2.1 of the IRCPL, and thus does not belong to subject matter sought to be protected by the patent law.

4. Claims 10-16 further define Claim 9. The contents defined by the claims merely prescribe the specific contents of the domain, the domain identifier, the data base (such as the association list) and the ad information. However, combining the artificially stipulated contents and the above common technology does not solve a new technical problem or obtain a new technical effect, i.e., the problem solved by the above claims and the effect being obtained are the same as those of Claim 9, which are non-technical. Therefore, Claims 10-16 do not belong to technical solutions as provided in Rule 2.1 of the IRCPL either, and thus do not belong to subject matter sought to be protected by the patent law.

5. Claim 17 seeks to protect a method. Reference 1 (CN1299488A) discloses an improved search engine, and specifically discloses the following technical features (see page 11, paragraph 3-page 14, paragraph 4 of the description, and Fig. 3B): human brain is captured by recording which web pages the user goes to after each keyword search (equivalent to step a)); collecting the surfer trace data is achieved by sending, in the list of web pages generated by the search to the user, hidden links that will automatically send information back to the search engine; server side code uses this parameter to identify the URL and description of the user's chosen site; this information is then stored in a database Table along with other surfer trace data (equivalent to steps b) and c), i.e., "aggregating and storing"); the server side code then executes a redirect operation to the user's required URL; the user then sees their required page appear. It follows that, Reference 1 has disclosed all the technical features of Claim 17. The two have the same technical solution; moreover, Reference 1 and Claim 17 pertain to the same technical field, adopt the same technical solution, solve the same technical problem, and can produce the same technical effect. Therefore, Claim 17 does not possess novelty as required by Article 22.2 of the CPL over Reference 1.

6. Claim 18 further defines Claim 17. Reference 1 discloses (see page 14, paragraphs 1 and 5 of the description) the following technical feature: a method of tracking the surfer trace data can only record the initial web-page (URL) (equivalent to the document identifier) visited after a keyword search. Therefore, when Claim 17 referred to does not possess novelty, Claim 18 does not possess novelty as required by Article 22.2 of the CPL, either.

7. Claims 19 and 20 further define Claim 18. The contents defined by Claims 19 and 20 have been disclosed by Reference 1 (see page 14, paragraphs 1 and 5 of the description). Therefore, when Claim 18 referred to does not possess novelty, Claims 19 and 20 do not possess novelty as required by Article 22.2 of the CPL, either.

8. Claim 21 further defines Claim 17. However, it is common knowledge to use a domain identifier as information of a linked document of a network linked document. And it's obvious for those skilled in the art to obtain Claim 21 on the basis of Reference 1 in combination with the common knowledge. Therefore, when Claim 17 referred to does not possess novelty, Claim 21 does not possess inventiveness as required by Article 22.3 of the CPL.

9. Claim 22 further defines Claim 21. However, that the linked document is a Web page has been disclosed by Reference 1 (see page 14, paragraphs 1 and 5 of the description). And it is common knowledge in the art that the domain is a Website. Therefore, when Claim 21 referred to does not possess inventiveness, Claim 22 does not possess inventiveness as required by Article 22.3 of the CPL, either.

10. Claims 23 and 24 further define Claim 17. Reference 1 discloses (see page 15, paragraph 1 of the description) the following technical feature: a list of keywords, including phrases, and the number of times they have been requested. Meanwhile, it is common knowledge in the art to use the phrase count or term count and the corresponding phrase or term as data pairs to make statistics on the search. Therefore, it's obvious for those skilled in the art to obtain Claims 23 and 24 on the basis of Reference 1 in combination with the above common knowledge. Therefore, when Claim 17 referred to does not possess novelty, Claims 23 and 24 do not possess inventiveness as required by Article 22.3 of the CPL.

11. Claim 25 further defines Claim 17. The steps d) and e) are common knowledge in the art, i.e., use a certain keyword or a search item (such as a document identifier) to obtain other data items associated with the keyword or the search item (such as terms or phrases) from a data base or a data list. Meanwhile, the step (f) defines providing the obtained phrases or terms as ad information of the ads. It follows that, the distinguishing technical features that Claim 25 differs from Reference 1 (i.e., the contents in the characterizing portion of Claim 25) include both technical features and non-technical features, wherein the technical features are common knowledge in the art, and the non-technical features fail to enable the solution of Claim 25 to solve a technical problem, and thus fail to make contributions to the prior art. Therefore, it's obvious for those skilled in the art to obtain the technical solution as claimed in Claim 25 on the basis of Reference 1 in combination with the above common knowledge. Thus, Claim 25 does not possess inventiveness as required by Article 22.3 of the CPL.

12. Claims 26 and 27 further define Claims 25 and 26, respectively. However, the contents in the characterizing portions have been disclosed by Reference 1 (see page 14,

paragraphs 1 and 5 of the description) as follows: a method of tracking the surfer trace data can only record the initial web-page (URL) visited after a keyword search. Therefore, when Claims 25 and 26 referred to do not possess inventiveness, Claims 26 and 27 do not possess inventiveness as required by Article 22.3 of the CPL, either.

13. Claims 28-31 further define Claim 25. The contents defined in the characterizing portions merely prescribe the specific contents of the ad information, which belong to non-technical features. The non-technical features fail to enable the solutions of Claims 28-31 to solve a technical problem, and thus fail to make contributions to the prior art. Therefore, when Claim 25 referred to does not possess inventiveness, Claims 28-31 do not possess inventiveness as required by Article 22.3 of the CPL, either.

14. Claims 32-41 seek to protect a computer-readable medium. Except for the title of the subject matter, all the contents define Claims 32-41 merely relate to the computer program itself. Therefore, Claims 32-41 belong to subject matter for which no patent right shall be granted as stipulated in Article 25.1.2 of the CPL.

15. Claims 42-72 are apparatus claims corresponding to the method Claims 1-31, wherein the functions of the composite parts of the apparatus are in one to one correspondence with the method steps. Therefore, based on the comments on Claims 1-31, Claims 42-72 do not belong to technical solutions as stipulated in Rule 2.1 of the IRCPL, and do not belong to subject matter for which patent protection is sought. Claims 58-61 do not possess novelty as required by Article 22.2 of the CPL, and Claims 62-72 do not possess inventiveness as required by Article 22.3 of the CPL.

Due to the reasons above, the present application cannot be granted a patent right. Meanwhile, the description does not recite any other patentable substantive content. Therefore, even if the applicant amends the application documents, the present application still has no prospects to be granted a patent right. If the applicant fails to present convincing reasons within the time limit as specified in this notification, the present application will be rejected.

The examiner: Fan Yuxia
Code: 9544